

REMARKS

Claims 1-4, 7-8, 15, 17-21, and 41-44 constitute the pending claims in the present application prior to Amendment. Claims 1-4, 7-8, 15, and 17-21 are currently under consideration having been elected with traverse. Applicants hereby cancel, without prejudice, previously withdrawn claims 41-44. Applicants reserve the right to prosecute claims of similar or differing scope. Claims 4, 15, 18, and 20 have been amended to correct the minor errors pointed out by the Examiner.

Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

1. Applicants note with appreciation that the amendments and arguments filed November 13, 2006 have been entered in full.
2. Claims 15 and 20 are objected to as containing certain typographical errors. Applicants have amended claims 15 and 20 to correct these typographical errors, thereby obviating the objection. Applicants apologize for these clerical errors, but note that Applicants' correction of these obvious typographical errors does not alter the scope of the claims.
3. Claims 1-4, 7-8, 15, and 17-21 are rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-13 of U.S. Patent No. 6686198. Applicants enclose herewith a terminal disclaimer, thereby obviating the double-patenting rejection. Reconsideration and withdrawal of this rejection is respectfully requested.
4. Claims 1-4, 7-8, 15, and 17-21 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants traverse this rejection.

This rejection is based on the allegation that Applicants' previous amendment to claim 1 to recite a method of inducing an undifferentiated cell having activin receptors responsive to activin to differentiate to a neuronal cell phenotype constitutes new matter that is unsupported by the specification. Applicants respectfully disagree. Applicants direct the Examiner's attention to

the working Examples provided in the specification. These examples summarize experiments conducted by modulating activin signaling in early cleavage and blastula stage embryos and embryo explants. These examples illustrate the effects of modulating activin signaling on a range of undifferentiated cell types, and provide explicit and implicit basis for Applicants' previously entered amendments to claim 1. Accordingly, Applicants' previous amendments do not constitute new matter, and the present claims are fully compliant with 35 U.S.C. 112, first paragraph.

Applicants note that compliance with the written description requirement does not require that the claims have *in haec verba* support in the specification. MPEP 2163. Rather, all that is required is that the claims are supported by "the specification through express, implicit, or inherent disclosure." MPEP 2163. The fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that applicant was in possession of the claimed invention. See, e.g., *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d at 1555, 1563-64 (Fed. Cir. 1991). Applicants respectfully submit that the specification and working examples amply satisfy this criteria.

Applicants respectfully request reconsideration and withdrawal of this rejection. In the event that this rejection is maintained, Applicants respectfully request clarification of the reasonable basis upon which the Examiner alleges that one of skill in the art would fail to recognize in Applicants' disclosure a description of the invention presently claimed. As clearly articulated in the MPEP and the case law, a reasonable basis to challenge the adequacy of the written description is required in order to maintain this rejection. MPEP 2163; *In re Wertheim*, 541 F.2d 257, 262-263 (CCPA 1976).

5. Claims 4 and 18 are rejected under 35 U.S.C. 112, second paragraph, as indefinite for allegedly failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Applicants traverse this rejection and contend that the rejection is moot in view of the amended claims.

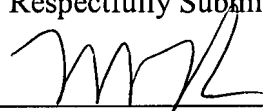
Applicants have made minor amendments to claims 4 and 18 to improve the clarity of the claims. Applicants' amendments are believed to obviate the rejection. Reconsideration and withdrawal of this rejection are requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945, under Order No. HUIP-P04-009.**

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Respectfully Submitted,



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